

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

AFIF MAHMOUD,

Petitioner,

v.

STATE OF WASHINGTON,

Respondent.

Case No. 3:23-cv-05494-DGE-TLF

ORDER APPOINTING FEDERAL
PUBLIC DEFENDER

This is a federal habeas action filed under 28 U.S.C. § 2254. Petitioner Afif Mahmoud is currently confined at the Olympic Corrections Center in Forks, Washington. Petitioner has filed a motion to appoint counsel. Dkt. 7.

Petitioner asserts that he stands convicted of burglary in the first degree, assault in the second degree, violation of no contact order, and felony harassment and is serving a 116-month sentence. Dkt. 4. His allegations appear to be related to his constitutional right to a direct appeal, and ineffective assistance of counsel. Dkt. 4 at 5, 7.

Respondent has filed a response alleging that petitioner failed to properly exhaust his habeas claims because (1) he did not adequately alert the Washington State Court of Appeals or the Washington State Supreme Court as to the federal nature of his claim, and (2) his ineffective assistance of counsel claim alleges a different basis of ineffective counsel from the claim raised in the Washington State Courts. Dkt. 9 at 7-

1 9. The Court is persuaded that, given the complex issues involved in this case, the
2 interests of justice support the appointment of counsel for petitioner. See 18 U.S.C. §
3 3006A(a)(2)(B). As required by statute, Petitioner has demonstrated financial eligibility
4 for such appointment. See *id.* Accordingly, petitioner's motion for appointment of
5 counsel is GRANTED. Dkt. 7. The Court appoints the Federal Public Defender to
6 represent petitioner in these proceedings.

7 Petitioner may file a response to respondent's response no later than **forty five**
8 **(45)** days after counsel has appeared on behalf of petitioner. If petitioner files a
9 response, respondent may file and serve a reply no later than **seven (7)** days after
10 petitioner files his response.

11 The Clerk shall send copies of this Order to Petitioner, to the Federal Public
12 Defender, to the Washington State Attorney's Office, and to the Honorable David G.
13 Estudillo.

14 Dated this 15th day of August, 2023.

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17 Theresa L. Fricke
18 Theresa L. Fricke
19 United States Magistrate Judge
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